

## 1 IN THE UNITED STATES DISTRICT COURT

## 2 FOR THE DISTRICT OF HAWAII

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4	UNITED STATES OF AMERICA,	)	CR. NO. 19-00099-DKW-KJM
		)	
5	Plaintiff,	)	Honolulu, Hawaii
		)	
6	vs.	)	April 24, 2024
		)	
7	MICHAEL J. MISKE, JR.,	)	JURY TRIAL - DAY 56
		)	
8	Defendant.	)	(TESTIMONY OF GOVERNMENT'S
		)	WITNESS KALEN LYMAN-RISSO)

9

10 PARTIAL TRANSCRIPT OF PROCEEDINGS  
11 BEFORE THE HONORABLE DERRICK K. WATSON  
CHIEF UNITED STATES DISTRICT COURT JUDGE

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25 Proceedings recorded by machine shorthand, transcript produced  
with computer-aided transcription (CAT).

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I N D E X

<u>WITNESS:</u>	<u>PAGE NO.</u>
<u>FOR THE GOVERNMENT:</u>	
KALEN LYMAN-RISSO	
DIRECT EXAMINATION BY MR. INCIONG	3
CROSS-EXAMINATION BY MR. KENNEDY	37

E X H I B I T S

Exhibit 2-28 received in evidence	36
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1 WEDNESDAY, APRIL 24, 2024 10:54 A.M. O'CLOCK

2 \* \* \* \* \*

3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 THE COURT: Okay, back from our first break of the  
6 trial day, the government may call its next witness.

7 MR. INCIONG: Thank you, Your Honor.

8 The United States calls Kalen Lyman.

9 COURTROOM MANAGER: Please raise your right hand.

10 KALEN LYMAN-RISSO, GOVERNMENT'S WITNESS, SWORN.

11 THE WITNESS: I do.

12 COURTROOM MANAGER: You may be seated.

13 Please state your name, spelling your last name for  
14 the record.

15 THE WITNESS: Kalen Lyman-Risso.

16 MR. INCIONG: Could you spell your last name, please?

17 THE WITNESS: L-Y-M-A-N, hyphen, R-I-S-S-O.

18 DIRECT EXAMINATION

19 BY MR. INCIONG:

20 Q Good morning, Mr. Lyman-Risso. How old are you, sir?

21 A 27.

22 Q where did you grow up?

23 A In Kaneohe.

24 Q where did you go to high school?

25 A Kamehameha.

1 Q what year did you graduate?

2 A 2014.

3 Q what are you doing for work right now?

4 A I work construction.

5 Q Do you know someone by the name of Johnathan Fraser?

6 A Yes.

7 Q How did you know Johnathan Fraser?

8 A we grew up together playing football when I was in fourth  
9 grade or so, and then we were just kind of like lifelong  
10 friends.

11 Q so did you continue your relationship and friendship with  
12 him through high school and after high school?

13 A Through high school not so much, and then reconnected  
14 after high school.

15 Q Okay. You didn't go to the same high schools, correct?

16 A No.

17 MR. INCIONG: Could we show the witness and publish,  
18 please, Exhibit 2-55, which has been previously admitted?

19 THE COURT: Yes. Go ahead.

20 BY MR. INCIONG:

21 Q Mr. Lyman, do you know who that is?

22 A Yes.

23 Q Is that Johnathan Fraser?

24 A Yes.

25 Q Now, you said you were lifelong -- basically lifelong

1 friends with Mr. Fraser.

2 Did you have some common interests with him?

3 A Yeah. we both liked cars. Yeah.

4 Q Did you meet any of the other friends that Johnathan  
5 Fraser would spend time with, girlfriends, friends and things  
6 like that?

7 A Yes.

8 Q Did you ever meet someone by the name of Ashley Wong?

9 A Yes.

10 Q who was Ashley Wong?

11 A That was his girlfriend.

12 MR. INCIONG: Could we show the witness and publish,  
13 please, Exhibit 2-61, previously admitted from our original  
14 list?

15 THE COURT: Yes, you may.

16 BY MR. INCIONG:

17 Q Mr. Lyman-Risso, do you recognize who's in this photo?

18 A Yes.

19 Q who is that?

20 A John and Ashley.

21 Q Did you know someone or meet someone through Johnathan by  
22 the name of Caleb Miske?

23 A Yes.

24 Q How did you meet Mr. Miske?

25 A Through Johnathan. we used to go to like car cruises a

1 bunch and that's -- that's where I met him.

2 Q Okay. So did you end up kind of befriending Caleb because  
3 of Johnathan as well?

4 A Yes.

5 MR. INCIONG: Okay. Could we show the witness and  
6 publish, please, Exhibit 1-52 from our original witness list?

7 THE COURT: Yes. Go ahead.

8 BY MR. INCIONG:

9 Q Do you recognize this photo, sir?

10 A Yes.

11 Q Who is shown in that photo?

12 A Caleb.

13 Q Did you ever meet Caleb's girlfriend who later became his  
14 wife?

15 A Yes.

16 Q Do you recall her name?

17 A Delia.

18 MR. INCIONG: Could we show the witness and publish,  
19 please, Exhibit 1-42 from our original witness list?

20 THE COURT: Yes.

21 BY MR. INCIONG:

22 Q Is that the person you recognize as Caleb's girlfriend and  
23 then later his wife?

24 A Yes.

25 Q That's Delia Miske?

1 A Yes.

2 Q Would you spend time with -- with all of these people,  
3 Johnathan Fraser, Caleb Miske, Delia Miske, Ashley Wong?

4 A Yes.

5 Q You guys would do things together?

6 A Yes.

7 Q Now, you mentioned car -- cars were a common interest of  
8 all of you. Is that true?

9 A Yes.

10 Q Were you aware of any car club that Johnathan and Caleb  
11 belonged to or formed?

12 A Yes.

13 Q If you -- do you recall the name, or no?

14 A Yes.

15 Q Okay. What was the name of it?

16 A Team Mad.

17 Q Team Mad?

18 A Yes.

19 Q Did you have any involvement with that particular car  
20 club?

21 A Yes.

22 Q So about how old were you at this time when you guys were  
23 all hanging out together?

24 A I was about 18, 19.

25 Q Okay. So right after high school, basically?

1 A Yes.

2 Q Was there any other particular spots or hangout places  
3 that the group of you would gather at any time?

4 A In Windward City in Kaneohe and then Sam's club, pumps gas  
5 station.

6 Q Windward City in Kaneohe, that's a shopping center?

7 A Yes.

8 Q Was there any particular spot at Windward City that you  
9 would spend time at?

10 A Yes. We were always at the vape shop.

11 Q Do you remember the name of that vape shop?

12 A Exclusive Vapor.

13 Q Were you into vaping at the time?

14 A Yes.

15 Q Was Johnathan into vaping at the time?

16 A Yes.

17 Q What kinds of -- how often would you say you would spend  
18 time or meet at the Exclusive vape shop?

19 A At least three or four times a week.

20 Q Okay. And talking and referencing the same period, you  
21 know, right after high school, 18, 19 years old, how often  
22 would you see Mr. Fraser during that time?

23 A Almost every day.

24 Q Now, was it known to you that Johnathan liked to smoke  
25 marijuana at that time?



1 A Yes.

2 Q Were you also smoking marijuana with him at that time?

3 A Yes.

4 Q Were the two of you either engaged in a reselling or -- or  
5 redistributing marijuana?

6 A Yes.

7 Q Describe that. I mean, what types of amounts, or how  
8 frequently were you doing that?

9 A Like eighths; not very often, pretty much just to smoke.

10 Q So when you say eighths, what amount does that mean?

11 A Three and a half grams.

12 Q Okay. Was it basically buying marijuana for your own use  
13 and then selling maybe some extra to kind of pay for what  
14 you're using?

15 A Yes.

16 Q Did you ever -- were you ever involved in selling more  
17 than those sorts of three and a half gram amounts?

18 A No.

19 Q As far as you know, was Johnathan ever involved in that?

20 A As far as I know, no.

21 Q Okay. Were you aware of any debts that Johnathan owed  
22 anyone for selling marijuana?

23 A No, I -- I wasn't.

24 Q So Mr. Lyman-Risso, I want to take you to October of 2015.

25 So on that -- in that month -- you guys had mentioned you guys

1 were all into cars, you guys were car enthusiasts, correct?

2 A Yes.

3 Q Were you aware of Caleb obtaining or buying a brand-new  
4 car -- or a new car for him about that time?

5 A Yes.

6 Q How did you become aware of that?

7 A He -- Caleb called me and he came up -- came to my house  
8 to show me. He picked me up.

9 Q Do you recall the type of car that was?

10 A It was -- I'm not exactly sure of the year, but it was a  
11 Honda Civic.

12 Q Do you recall the color?

13 A It was dark gray, almost black, pretty much.

14 Q Where were you living at that time?

15 A I was living at my parents' house.

16 Q Where was that?

17 A In Kaneohe.

18 Q Was that near the Windward City Shopping Center?

19 A Yes. Right down the road.

20 Q Was it a surprise when Caleb picked you up with this new  
21 car?

22 A No.

23 Q He told you he had gotten it?

24 A Yeah.

25 Q Okay. So why did he pick you up at that time?

1 A He just wanted to show me the car that he bought and tell  
2 me a little bit about it.

3 Q But did he pick you up?

4 A Yes.

5 Q Did you go for a ride in the car? Did he just show you  
6 the car?

7 A Yes, we took a drive.

8 Q Where did you take a drive?

9 A We just went mauka up the road from my parents' house,  
10 straight -- right by Windward City.

11 Q Is that -- do you know where Kaneohe Bay Drive is?

12 A Yes.

13 Q Is that a pretty major street right by Windward City?

14 A Yes.

15 Q It's two lanes going in each direction?

16 A Yes.

17 Q Is that nearby where your family was living at the time?

18 A Yes.

19 Q So when Caleb picked you up and took you for a ride in the  
20 car, were you impressed?

21 A Yes.

22 Q Was it fast?

23 A Yes. It's quick.

24 Q Were you driving fast?

25 A Yes.

1 Q who was driving the car?

2 A Caleb.

3 Q How fast were you driving?

4 A About 70 or 80 miles an hour.

5 Q Is this on Kaneohe Bay Drive?

6 A Yes.

7 Q The speed limit on that road is what?

8 A 25.

9 Q So you were going way, way above the speed limit?

10 A Yes.

11 Q How long did Caleb give you this kind of test drive for?

12 A No longer than five or ten minutes.

13 Q where did you go after you were done with the test drive?

14 A After that, we went to the vape shop right at Windward  
15 City.

16 Q Did you meet anybody there?

17 A Yes. We met John.

18 Q what did you do when you got there and you met John?

19 A Caleb wanted to show John the car. So he was about to  
20 take John for a ride. So me and John had switched places. He  
21 jumped into the passenger seat.

22 Q were you invited to stay in the car at that time?

23 A Yes.

24 Q what did you decide to do?

25 A I declined. I -- I told him I was going to go into the

1 vape shop real quick.

2 Q Is that what you did?

3 A Yes.

4 Q So when the car left, who was driving?

5 A Caleb.

6 Q where was John?

7 A In the passenger seat.

8 Q The front passenger seat?

9 A Yes.

10 Q So did you go up into the vape shop?

11 A Yes.

12 Q Something catch your attention after you got up into the  
13 vape shop?

14 A Yes. we heard a loud noise.

15 Q How would you describe that noise?

16 A Super loud, kind of sounded like something bad really  
17 happened. Just like a big crash, like a smash.

18 Q Did you know what it was?

19 A Not at the moment when it happened, no.

20 Q Did you have an idea what it was?

21 A I had a feeling it was a car, yeah.

22 Q what did you do?

23 A we walked outside and then went to go observe whatever the  
24 noise was.

25 Q what did you find, if anything?

1 A John and Caleb had been in a car accident.

2 Q Where was the car accident in relation to Windward City?

3 A Right at the corner.

4 Q So how long did it take you to walk there, would you say?

5 A A minute or two. Yeah.

6 Q So after Johnathan and Caleb had left in the car and you  
7 went into the vape shop, how much time had passed before you  
8 heard this crash, would you say?

9 A I would say no longer than 15 minutes.

10 Q So when you walked to the scene of the accident, what did  
11 you see?

12 A I seen the car pushed up off the side of the road in the  
13 grass and the front end completely destroyed, and I seen Caleb  
14 and John in the car.

15 Q Did you recognize the car, as damaged as it was, that that  
16 was the car that you had just been riding in?

17 A Yes.

18 Q When you got to the crash scene and the wreckage, you said  
19 you saw Caleb and John. Could you see where they were in the  
20 car at that time?

21 A Yes.

22 Q Who did you see first?

23 A I seen Caleb first.

24 Q Where was Caleb?

25 A He was in the driver's seat.

1 Q what was his -- what was the situation?

2 A John was completely unconscious. His head had hit the  
3 windshield. Caleb was in and out of consciousness. He was  
4 asking me to move his seat back because his legs were  
5 uncomfortable.

6 Q were you able to do that?

7 A No. Yeah.

8 Q The wreckage was just too -- too bad?

9 A Yeah.

10 Q You said John was unconscious?

11 A Yes.

12 Q So when you made these observations of Caleb and he was  
13 asking you to move the seat back, where were you located in  
14 relation to the vehicle?

15 A I was right outside of his driver door.

16 Q So you were actually trying to communicate with him during  
17 that time?

18 A Yes.

19 Q Could you see John through the window into the -- into the  
20 car?

21 A Yes.

22 Q where was John seated?

23 A In the passenger seat.

24 Q Did you ever go to the other side of the vehicle to try  
25 and make further contact with Johnathan?

1 A Yes. I walked around.

2 Q What did you see when you got to the other side?

3 A I just seen blood all over John's head and the windshield.

4 Ashley was there too as well and she was crying.

5 Q Had you gone over with Ashley or did you guys

6 independently arrive there?

7 A Yeah, we had walked over together.

8 Q Anyone else that you recall being present there right away

9 as -- when you first got there?

10 A No.

11 Q Were you one of the first people to arrive at the scene?

12 A Yes.

13 Q The fire department, were they there?

14 A No, they weren't there.

15 Q Were any police officers there yet?

16 A No.

17 Q How long would you say it was before either, you know,

18 police or fire showed up?

19 A I'm not exactly sure. I would -- I wasn't really paying

20 attention to the time, but I would say no more than like 30, 30

21 minutes, 30 or 40 minutes.

22 Q Okay. How long did you stay there at the scene?

23 A I stayed there until John and Caleb both went to the

24 hospital.

25 Q Who went to the hospital first, from what you recall?



1 A John.

2 Q They were able to get John out of the car?

3 A Yes.

4 Q And then he was taken in an ambulance?

5 A Yes.

6 Q What about Caleb, what was the process like of getting him  
7 out?

8 A The fire department had to cut the car out and pretty much  
9 cut his seat out to pull him out of the car.

10 Q So this was a -- a very serious accident?

11 A Yes.

12 MR. INCIONG: Could we show the witness and publish  
13 Exhibits 2-159 through 2-164 from our 15th supplement that were  
14 previously admitted?

15 THE COURT: Yes, you may.

16 BY MR. INCIONG:

17 Q So starting with 2-159, Mr. Lyman-Risso, do you recognize  
18 that intersection?

19 A Yes.

20 Q Kaneohe Bay Drive and Makalani Street?

21 A Yes.

22 Q Is that basically right where the crash occurred?

23 A Yes.

24 Q And is that just up the road from your family residence on  
25 Kaneohe Bay?

1 A Yes.

2 MR. INCIONG: May we publish next 2-160?

3 THE COURT: Go ahead.

4 BY MR. INCIONG:

5 Q Do you recognize that?

6 A Yes.

7 Q What is shown there?

8 A That's the car from the accident.

9 Q Does that look like what you saw there on that -- that  
10 night?

11 A Yes.

12 MR. INCIONG: May we publish 2-161?

13 THE COURT: Go ahead.

14 BY MR. INCIONG:

15 Q Is this another view of the wreckage of Caleb's vehicle?

16 A Yes.

17 MR. INCIONG: May we publish 2-162?

18 THE COURT: Yes.

19 BY MR. INCIONG:

20 Q Mr. Lyman, can you tell and kind of orient the jury as to  
21 what part of the car is shown here from this angle in 2-162?

22 A This is the passenger side.

23 Q So that front wheel we're seeing right in the center, in  
24 the front of the picture, that's the front passenger side wheel  
25 on the car?

1 A Yes.

2 Q There's some palms or bushes that are to the left there?

3 A Yes.

4 Q Was the car right up against those, those palms when you  
5 got there?

6 A Yes.

7 Q This was the side of the car that you were talking to  
8 Johnathan?

9 A Yes.

10 MR. INCIONG: May we publish 2-163?

11 THE COURT: You may.

12 BY MR. INCIONG:

13 Q Can you tell what part of the vehicle this is, sir?

14 A This is the front. Driver's side.

15 Q So again, if we're using the wheel as a reference point,  
16 that's the front driver's side wheel?

17 A Yes.

18 Q That was the side of the vehicle that you initially made  
19 contact with Caleb from?

20 A Yes.

21 MR. INCIONG: Finally, could we show 2-164, please?

22 THE COURT: Go ahead.

23 BY MR. INCIONG:

24 Q What do you see here?

25 A This is another angle from the crash.

1 Q Is that the front bumper that's laying right in front of  
2 that gray bucket toward the front?

3 A Yes.

4 Q And the -- those palms or those bushes along the left, are  
5 those the shrubs that you were referencing that were right up  
6 against the passenger side of the car?

7 A Yes.

8 Q Did you go to the hospital after to see Caleb or  
9 Johnathan?

10 A Yes, I did.

11 Q Do you recall going there more than once or did you -- or  
12 not?

13 A I went there once more.

14 Q So the first time you went, was it this night?

15 A Yes.

16 Q Do you recall when the second time was?

17 A No. Sometime within that next month, though.

18 Q Do you recall Johnathan being released way before Caleb  
19 was?

20 A Yes.

21 Q Did you see Johnathan at some point after he was released  
22 from the hospital?

23 A Yes.

24 Q Did he have some significant injuries that he was dealing  
25 with?

1 A Yes.

2 Q After Johnathan was released, did you ever go back just to  
3 visit Caleb?

4 A I -- I did not.

5 Q Was there any particular reason you did not?

6 A Just the time that I had went he just wasn't able to see  
7 any visitors at the moment.

8 Q He was in a coma for a lot of that time?

9 A Yes.

10 Q Did you understand that?

11 Did you learn that in the following year of March of 2016  
12 that Caleb had passed away?

13 A Yes.

14 Q So fast forwarding then to April of 2016, were you still  
15 in contact with Johnathan during that time?

16 A Yes.

17 Q Still spending a lot of time with him?

18 A Yes.

19 Q Okay. And was he recovering from the accident?

20 A Yes.

21 Q Did you become aware that he had obtained a car that was  
22 going to be a, quote, tribute car?

23 A Yes.

24 Q How did you become aware of that?

25 A John had told me.

1 Q Did you ever see that particular car?

2 A Yes.

3 Q Do you recall what type of car that was?

4 A It was a Honda Civic hatchback.

5 MR. INCIONG: Could we publish, please,  
6 Exhibits 1-151 and 2-152 from our 14th supplemental?

7 THE COURT: Go ahead.

8 BY MR. INCIONG:

9 Q Mr. Lyman-Risso, do you recognize this photo?

10 A Yes.

11 Q Is that the tribute car that Johnathan obtained in 2016?

12 A Yes.

13 MR. INCIONG: Could we publish 2-152?

14 THE COURT: Go ahead.

15 BY MR. INCIONG:

16 Q Is this just a different view from the front angle of that  
17 same car?

18 A Yes.

19 Q Was Johnathan working on that car, fixing it up?

20 A Yes.

21 Q Who did you understand had purchased that car?

22 A He had told me that Mike had bought it.

23 Q When you say "Mike," who are you referring to?

24 A Mike Miske.

25 Q Caleb's father?

1 A Yes.

2 Q Had you ever met Caleb's father or known him at all?

3 A Only once.

4 Q Where was the one time?

5 A When we went to the beach to honor Caleb.

6 Q It was a time to -- did you guys toss some flowers into  
7 the ocean where his ashes were scattered?

8 A Yes.

9 Q Is that that time you were referencing?

10 A Yes.

11 Q That was the one and only time you met Mr. Miske?

12 A Yes.

13 Q Do you recognize Mr. Miske in the courtroom today?

14 A Yes.

15 Q Could you indicate where he's seated and what he's wearing  
16 for the record, please?

17 A To the left in a black coat.

18 Q Is he wearing glasses or not wearing glasses?

19 A Yes. Wearing glasses.

20 MR. INCIONG: Your Honor, may the record reflect the  
21 witness has identified Mr. Miske?

22 THE COURT: Yes. The record should reflect the  
23 witness Mr. Lyman-Risso's identification of the defendant,  
24 Mr. Miske.

25 BY MR. INCIONG:

1 Q Were you involved at all in helping Johnathan with the  
2 tribute car?

3 A Yes, a little. I would help him work on it.

4 Q Was John excited about that car?

5 A Yes.

6 Q Now, also, in spring, going into the summer of 2016, did  
7 John and Ashley have some news that they shared with you?

8 A Yes.

9 Q What news was that, do you recall?

10 A That they were going to move to Hawaii Kai.

11 Q Okay. So let's -- let me ask you about that. So how did  
12 you find out about that?

13 A John and Ashley had told me.

14 Q Did you know where specifically in Hawaii Kai?

15 A When they had told me, no, I -- no.

16 Q So did they explain why they were moving to Hawaii Kai?

17 A Yes. They said Mike had got them a place to live.

18 Q What did you think of that when you heard that news?

19 A I thought it was a little weird.

20 Q Why?

21 A Because he was trying to blame John for driving the car,  
22 from the accident. And then I -- I found it kind of weird that  
23 somebody who's trying to blame you for something would get you  
24 a place to live.

25 Q You were there at the scene right after the accident,



1 right?

2 A Yes.

3 Q And John was not driving, correct?

4 A Yes.

5 Q Had you learned around that same time as well that Ashley  
6 was pregnant?

7 A Yes.

8 Q Did you talk to John about that?

9 A Yes. Yeah, we talked about, yeah, him having a son and  
10 showing him the cars, like how he knew.

11 Q was he excited about that?

12 A Yes, he was excited.

13 Q So he talked with you about sharing his love for cars with  
14 his -- his son to be?

15 A Yes.

16 Q But did Ashley and John move to Hawaii Kai, as far as you  
17 knew?

18 A Yes.

19 Q So I want to take you to July 30th of that year, 2016.  
20 were you still hanging around at the vape shop regularly --

21 A Yes.

22 Q -- during that time?

23 still seeing Johnathan regularly?

24 A Yes.

25 Q still seeing Ashley regularly?

1 A Yes.

2 Q Did you receive a call or a text from Ashley that day  
3 looking for John?

4 A Yes. She called me.

5 Q Do you recall where you were at the time when you got that  
6 text, or call, I should say?

7 A I'm pretty sure I was at the vape shop.

8 Q Okay. Had you seen John at the vape shop that day?

9 A No. He didn't come.

10 Q Did you have plans to meet him that day there?

11 A No, we didn't make plans to -- to meet, but usually he  
12 came by almost every day.

13 Q So was it kind of the deal where you wouldn't specifically  
14 say I'll meet you there at some time, but you knew he would be  
15 there at some point, or you would be there at some point and  
16 you would link up?

17 A Yes.

18 Q Did you see him at all that day?

19 A No, I didn't.

20 Q Is that the only time Ashley contacted you that day  
21 looking for Johnathan?

22 A Yes.

23 Q What was -- what was kind of her demeanor when she called  
24 you at that time?

25 A She was really worried because she had said that John said

1 he was going to go to the vape shop that day, and he never  
2 came. She was -- she was worried because he wasn't replying  
3 back to her when she was trying to get ahold of him.

4 Q Was that unusual to you?

5 A Yes.

6 Q Had you ever had Ashley call you before wondering where  
7 John was, asking you if you'd seen him, anything like that?

8 A No, I haven't seen them separated ever before that.

9 Q They're always together?

10 A Yes.

11 Q Literally?

12 A Yes.

13 Q When you would see them, anyway?

14 A Yes.

15 Q Okay. So did you offer to help in any way when she told  
16 you she couldn't get ahold of him?

17 A Yes. I told her that I would drive to the house and check  
18 on John, see how come he wasn't getting back to her.

19 Q Had you ever been to the house before?

20 A No.

21 Q How did you know where it was?

22 A Ashley had sent me the address.

23 Q Did you go by yourself?

24 A No, I didn't.

25 Q Who did you go with?

1 A I went with my friend Samu.

2 Q Is that Sammo [phonetic] Tatofi?

3 A Yes.

4 Q So were you and Sammo able to find the address that you  
5 had been given by Ashley?

6 A Yes.

7 Q You were familiar with the car John was driving at the  
8 time, correct?

9 A Yes.

10 Q Did Ashley give you any information about where the car  
11 was supposed to be, where --

12 A Yes.

13 Q -- she'd last seen it?

14 A She asked me to see if the car was still at the house.

15 Q So when you got to the location she'd given you, did you  
16 see the car anywhere?

17 A No.

18 Q Did you go to any unit or building or try and check and  
19 see if John was home?

20 A I didn't go into the building, but I drove past on the  
21 street and just looked.

22 Q All right. And the car was not there?

23 A The car wasn't there, yeah.

24 Q Did you report that back to Ashley?

25 A Yes.

1 Q Did you stay there for any period of time or did you  
2 leave?

3 A No, we had left. We stayed in the area, though.

4 Q Before I go on, let me ask you about a photo I want to  
5 show you, or a map, I should say.

6 MR. INCIONG: If we could publish 2-23, previously  
7 admitted from our original exhibit list, please?

8 THE COURT: Go ahead.

9 BY MR. INCIONG:

10 Q Mr. Lyman-Risso, do you see this map of part of the Hawaii  
11 Kai area?

12 A Yes.

13 Q Do you see the red pin on the -- that's shown on that map?

14 A Yes.

15 Q Does that look to be accurate as to at least approximately  
16 where the location was that Ashley sent you to look for  
17 Johnathan's car?

18 A Yes.

19 Q So after you left from that location, where did you go?

20 A I believe I went into the shopping center right by  
21 Costco's.

22 Q Okay. And this is still in Hawaii Kai?

23 A Yes, in Hawaii Kai.

24 Q Were you in communication with Ashley during this time?

25 A Yes.

1 Q Did she still -- was she still out of contact with

2 Mr. Fraser?

3 A Yes.

4 Q Let me go back to when you first went to the condo to look  
5 for Johnathan's car. Do you recall -- first of all, was it  
6 daytime, nighttime at this point?

7 A I want to say it was like late afternoon when we went --  
8 or, yeah, afternoon time.

9 Q So still light out?

10 A Yes.

11 Q All right. So you went to wait at the shopping center for  
12 Ashley then?

13 A Yes.

14 Q Did you make plans to meet up with her somewhere else  
15 then?

16 A Not initially, no. We were kind of just in the area, just  
17 driving around trying to look for the car.

18 Q Okay.

19 A And stuff like that.

20 Q You were driving around. Any sign of the car?

21 A No.

22 Q Any sign of Johnathan?

23 A No.

24 Q Did Ashley ask you to pick her up somewhere later?

25 A Yes.

1 Q where did she want you to pick her up?

2 A She asked me to pick her up on the road that the house was  
3 located, that she was at.

4 Q Okay. Before that, did you go to a wedding location where  
5 she was at?

6 A No. I didn't.

7 Q Do you recall that she was at a wedding --

8 A Yes.

9 Q -- at that time?

10 A Yeah.

11 Q So where did you meet then? Where did you meet up with  
12 her?

13 A Right -- on the same road, just farther down from the  
14 house.

15 Q The same spot you had gone to look to see the car before?

16 A Yes.

17 Q Okay. Let me show you --

18 MR. INCIONG: And if we could publish, please,  
19 Exhibit 2-24, previously admitted, from our original list?

20 THE COURT: Yes.

21 BY MR. INCIONG:

22 Q Do you recognize what's shown there?

23 A Yes.

24 Q Is that the entryway to the condo where they were staying  
25 at the time?

1 A Yes.

2 Q Is this -- the road that you were looking for the vehicle  
3 and where you met Ashley later, is that right in front of this  
4 gate?

5 A Yes.

6 Q Did you pick up Ashley at that point later on?

7 A Yes.

8 Q Where did you take her?

9 A I took her to her dad's house in Kaneohe.

10 Q Did she come by herself when you picked her up or was  
11 there anybody or anything with her?

12 A She had brought her dog.

13 Q Do you know her dog?

14 A Yes.

15 Q Is that Nala?

16 A Yes.

17 Q Okay. So you picked Ashley and Nala up and took her back  
18 to her father's house?

19 A Yes.

20 Q Was that in Kaneohe?

21 A Yes.

22 Q During that time, did you help Ashley continue to try and  
23 find Johnathan?

24 A Yes.

25 Q Were you calling friends, mutual friends?



1 A Yeah.

2 Q Were you driving around?

3 A Yes.

4 Q Was there any sign of Mr. Fraser?

5 A No.

6 Q Did you ever see Johnathan again after that date?

7 A No.

8 Q When is the last time that you actually saw him?

9 A The day before he went missing.

10 Q Do you remember where that was?

11 A At my parents' house.

12 Q So after the 30th, did you ever have any contact or  
13 communication with Johnathan again?

14 A No.

15 Q No phone call?

16 A No.

17 Q No text message?

18 A No.

19 Q No email?

20 A No.

21 Q No postings on social media?

22 A No.

23 Q Is that unusual to you?

24 A Yes.

25 Q Someone you had talked to almost daily, it sounds like?

1 A Yes.

2 Q Do you know someone by the name of Mike Buntenbah?

3 A Yes.

4 Q How do you know Mike Buntenbah?

5 A One of my -- my dad's friends.

6 Q Do you recall some point after the accident Mr. Buntenbah  
7 coming to your house and asking to speak with your father?

8 A Yes.

9 Q Did he have a message that he was relaying for Mr. Miske?

10 A Yes.

11 Q What was that message?

12 MR. KENNEDY: Objection, hearsay, Your Honor.

13 THE COURT: Overruled. Go ahead.

14 A He had asked if I could say that John was -- was driving  
15 the car.

16 BY MR. INCIONG:

17 Q Did you agree to do that?

18 A No.

19 Q Did your father agree to ask you to do that?

20 A No.

21 Q That was not the truth?

22 A Yeah.

23 Q After Johnathan went missing, did you stay in contact with  
24 Ashley?

25 A Yes.

1 Q Did you try and help with any of the searches and efforts  
2 to find Johnathan?

3 A Yes.

4 Q Did those go on for some time?

5 A Yes.

6 MR. INCIONG: Could we show the witness only  
7 Exhibit 2-88 at this time, please? It's from our original.

8 THE COURT: Go ahead.

9 BY MR. INCIONG:

10 Q Mr. Lyman-Risso, the edges are a little bit cut off, but  
11 is there enough in this photo for you to ascertain and see who  
12 is in this picture?

13 A Yes.

14 Q Do you recognize who they are?

15 A Yes.

16 Q Who's shown there?

17 A John and Caleb.

18 Q Are they wearing shirts related to that -- the car club  
19 that you testified to about recently?

20 A Yes.

21 Q Does this picture accurately show how Caleb and Johnathan  
22 appeared?

23 A Yes.

24 MR. INCIONG: Your Honor, I would move to admit 2-88  
25 at this time.

1 THE COURT: Any objection?

2 MR. KENNEDY: No objection.

3 THE COURT: 2-88 is admitted. You may publish.

4 MR. INCIONG: Thank you, Your Honor.

5 (Exhibit 2-28 received in evidence.)

6 BY MR. INCIONG:

7 Q So who's on the left?

8 A That's John.

9 Q And then that's Caleb on the right?

10 A Yes.

11 Q How big a guy was Johnathan?

12 A Very small.

13 Q How tall, roughly?

14 A I would say about five-five --

15 Q Okay.

16 A -- just about.

17 Q How much do you think he weighed, dripping wet?

18 A Buck ten. Really maybe 130, 140 maybe.

19 Q So what about Caleb?

20 A Caleb was a lot bigger.

21 Q Much heavier?

22 A Yes.

23 Q How much do you think Caleb weighed?

24 A 220.

25 Q About how tall was he?

1 A He was about five-ten.

2 Q Okay. So big size difference between the two of 'em?

3 A Yes.

4 Q But best friends?

5 A Yes.

6 MR. INCIONG: I have nothing further.

7 Thank you, Your Honor.

8 THE COURT: Mr. Kennedy, when you're ready.

9 CROSS-EXAMINATION

10 BY MR. KENNEDY:

11 Q Good morning, sir.

12 On the 30th you testified that Ashley Wong called you,  
13 correct?

14 A Yes.

15 Q And she asked you to go by the place where she and  
16 Johnathan were living, right?

17 A Yes.

18 Q So you drove over there, right?

19 A Yes.

20 Q And your purpose was to see whether his car was there,  
21 correct?

22 A Yes.

23 Q And so you drove by the location and his car was not  
24 there?

25 A Yes.

1 Q And you reported that back to Ashley, right?

2 A Yes.

3 Q Okay. And then later, I take it, at a time where Ashley  
4 was at the place she was living, you -- she reached out to you  
5 and asked you to come by?

6 A Yes.

7 Q And you picked her up?

8 A Yes.

9 Q And you drove her to her family home in Kaneohe, correct?

10 A Yes.

11 Q which you had known?

12 A Yes.

13 Q And then you left at that point with your friend?

14 A Yes.

15 Q Okay. And so when the government asked you about further  
16 efforts, that was in the days that -- the 31st and on in terms  
17 of searching for Johnathan, who was missing at that time,  
18 right?

19 A Yes.

20 Q Okay. And that takes care of what you did on the 30th of  
21 July, right?

22 A Yes.

23 Q Okay. Now, you mentioned that with respect to the day  
24 that the accident happened, back on November 17th of 2015, that  
25 Caleb came by with the Honda Civic, right?

1 A Yes.

2 Q And it was your understanding that he had recently  
3 purchased it?

4 A Yes.

5 Q And was that the first time that you'd seen him in that  
6 car?

7 A Yes.

8 Q Okay. And he took you on a test drive, right?

9 A Yes.

10 Q Just to show you the car, right?

11 A Yes.

12 Q And you had raced together for at least a couple of years?

13 A Yes.

14 Q Okay. Did that begin when you got your license or  
15 somewhat after that? 'Cause I believe you said you were around  
16 18 or 19 at the time?

17 A After I got my license.

18 Q Okay. All right.

19 And so how long had you been in the car club with Caleb  
20 and Johnathan at that time?

21 A In that car club, no longer than a year.

22 Q Okay.

23 A Year half.

24 Q All right. And so he took you on a ride for approximately  
25 how long?

1 A Five to ten minutes.

2 Q Okay. And then back to the vape shop, right?

3 A Yes.

4 Q And was that ride all in Kaneohe?

5 A Yes.

6 Q Okay. And so what routes did you take?

7 A I don't clearly remember. I know we headed mauka up from

8 my parents' house, so towards Windward City. And then, yeah,

9 just around that -- that general area, around Windward City.

10 Q Okay. And so you ended up back at the Windward City

11 Shopping Center, right?

12 A Yes.

13 Q Okay. And you went inside the vape shop?

14 A Yes.

15 Q And then you saw Johnathan get in the car with Caleb,

16 right?

17 A Yes.

18 Q And at the time you saw, Caleb was driving and Johnathan

19 got in the car?

20 A Yes.

21 Q All right. Now, did you park on the side where Foodland

22 is or on the other side of that shopping center?

23 A Actually, I didn't have -- oh, when he came to pick me up?

24 Q Yes.

25 A Oh, we were by McDonald's.



1 Q Okay. So you were by the McDonald's, right?

2 A Yes.

3 Q Okay. So after that, you heard them take off, right?

4 A Yes.

5 Q And then you walked to the vape shop?

6 A Yes.

7 Q The Xclusive vape shop, right?

8 A Yes.

9 Q And that was down a fair distance from the McDonald's,  
10 correct?

11 A Yes.

12 Q All right. And were you inside when you heard the sound  
13 or were you outside?

14 A I was inside.

15 Q Okay. You were inside the vape shop?

16 A Yes.

17 Q And you heard a sound?

18 A Yes.

19 Q All right. And then you left at that point?

20 A Yes.

21 Q And then you traveled to where the accident had occurred,  
22 right?

23 A Yes.

24 Q Okay. Now, when you got to the accident, did you see that  
25 there was a commercial pickup truck that was involved in the

1 accident?

2 A Yes.

3 Q All right. And you could see that as well, right?

4 A Yes.

5 Q All right. And then -- and that truck was heading in a

6 direction where it was sort of not going along with the road

7 but had been like it was turning, right?

8 A Yes.

9 Q And you could clearly see that, correct?

10 A Yes.

11 Q And it was over in the lane for the other traffic, right?

12 A Yes.

13 Q Okay. And then on that same side of the street, all the

14 way off the street was the Honda Civic that you had been riding

15 in, right?

16 A Yes.

17 Q And was there a pole, light pole that had also been hit

18 that you could see?

19 A Yes.

20 Q All right. All right. And when you came upon the

21 vehicle, I take it that the entire engine block had come into

22 the car?

23 A Yes.

24 Q And so you saw Johnathan and you saw Caleb, correct?

25 A Yes.

1 Q All right. And so you were there, and you could see the  
2 two of them, correct?

3 A Yes.

4 Q All right. Now -- and Johnathan was taken away by an  
5 ambulance first, right?

6 A Yes.

7 Q And then it took a fair amount of time for the jaws to  
8 open up the car so that Caleb could be removed, right?

9 A Yes.

10 Q When Johnathan was taken away, was he conscious at that  
11 time?

12 A I -- I don't think so.

13 Q Okay. And when Caleb was there, you just testified he was  
14 going in and out of being conscious, right?

15 A Yes.

16 Q Okay. And so did you go to the hospital that evening?

17 A Yes.

18 Q Okay. And did you see Johnathan then?

19 A No, we weren't able to see either.

20 Q Okay. Because they were in critical condition?

21 A Yes.

22 Q And so you left at that point?

23 A Yes.

24 Q Okay. Now, in terms of Mr. Miske, I take it you met him  
25 once, right?

1 A Yes.

2 Q You were at the bay?

3 A Yes.

4 Q And the jury had seen some evidence of you being there.

5 There was a sort of dropping of flowers as a memorial, right?

6 A Yes.

7 Q Okay. With respect to the accident, were you aware that

8 Mr. Miske was blaming the truck driver for that accident?

9 A No.

10 Q Were you aware that he sued the truck driver for that

11 accident?

12 A No.

13 Q Were you -- since you didn't see it, were you aware that

14 the truck driver had turned into the lane of traffic, causing

15 the accident?

16 A No.

17 Q All right. But you did see the truck driver -- commercial

18 driver there at the time, correct?

19 A Yes.

20 Q All right. Now, with respect to the tribute car, that was

21 something that Johnathan was building, right?

22 A Yes.

23 Q You were helping him as well?

24 A Yes.

25 Q All right. And that was a car that Mr. Miske purchased as

1 a tribute to Caleb, correct?

2 A Yes.

3 Q All right. The -- I believe -- let me just check, sir.

4 MR. KENNEDY: Just a moment, Your Honor. I  
5 apologize.

6 Just grabbed the exhibit binder. I apologize, Your  
7 Honor.

8 BY MR. KENNEDY:

9 Q Now, at the -- the accident itself happened back in --  
10 obviously on November 17th of 2015.

11 Do you recall whether you were asked to give a statement?

12 A Yes.

13 Q Okay. And then I believe with -- when Johnathan was  
14 missing, you also were asked to give a statement at a certain  
15 point in time, correct?

16 A Yes.

17 Q All right. When you gave the statement, you didn't  
18 mention anything about this meeting between Mike Buntambah and  
19 your dad, correct?

20 A Yes.

21 Q And so the first time you mentioned that was in a meeting,  
22 it appears, last week on the 16th, correct?

23 A Yes.

24 MR. KENNEDY: Nothing further.

25 THE COURT: Mr. Inciong.

1 MR. INCIONG: No redirect, Your Honor.

2 THE COURT: Mr. Lyman-Risso, you may step down.

3 Thank you, sir.

4 (witness excused.)

5 (End of partial transcript.)

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1 COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United  
3 States District Court, District of Hawaii, do hereby certify  
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a  
5 complete, true, and correct transcript of the stenographically  
6 recorded proceedings held in the above-entitled matter and that  
7 the transcript page format is in conformance with the  
8 regulations of the Judicial Conference of the United States.

9 DATED at Honolulu, Hawaii, June 24, 2024.

10

11

12

13

/s/ Ann B. Matsumoto  
ANN B. MATSUMOTO, RPR

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